

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Eastern Division

U.S.A. vs. Diego L. Chavez

Docket No. 2:14-MJ-1028-1BO

Petition for Action on Probation

COMES NOW Tuell Waters, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Diego L. Chavez, who, upon an earlier plea of guilty to Possession of Marijuana, 24 Grams in violation of 36 CFR § 2.35(b)(2), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on July 14, 2014, to 30 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On December 26, 2014, the defendant was charged by the Beaufort County Sheriff's Office in Washington, North Carolina, with Driving While Impaired (14CR52381) and Reckless Driving (14CR1468). The charges remain pending in Beaufort County District Court for March 12, 2015. Deputy Cody Burroughs observed Chavez make a right turn at an intersection while driving at an unsafe speed. According to the deputy, the defendant then made an unsafe lane change, causing another motorist to brake heavily. Deputy Burroughs conducted a traffic stop and suspected Chavez had been consuming alcohol. Subsequently, the defendant submitted to an alcohol test which yielded an alcohol content of .08. Deputy Burroughs stated that Chavez was cooperative and respectful throughout the process. Furthermore, the defendant reported the arrest to the probation office within the required 72 hour period. It is, therefore, respectfully recommended that the conditions of supervision be modified to add alcohol abstinence, the drug aftercare condition, and five weekends of intermittent confinement. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall be confined in the custody of the Bureau of Prisons from 8:00 a.m. each Saturday until 6:00 p.m. Sunday for a period of 5 consecutive weekends as arranged by the U.S. Probation Office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Tuell Waters
Tuell Waters
U.S. Probation Officer
201 South Evans Street Room 214
Greenville, NC 27858-1137
Phone: 252-830-2344
Executed On: January 22, 2015

ORDER OF THE COURT

Considered and ordered this 28 day of January, 2015 and ordered filed and
made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge